

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, OCTOBER 28, 2004  
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Bob Workman

Commissioners Absent: Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:15 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
OCTOBER 21, 2004**

**MOTION:** Workman moved and Heier seconded approval of the Staff Meeting minutes of October 21, 2004. Workman and Stevens voted aye. Heier abstained from voting. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. Claim for Review from Human Services:

- PV 837-1315, dated October 5, 2004, payable to A to Z Printing in the amount of \$7,880. The payment voucher exceeds the \$1,000 purchasing guidelines which stipulate that a requisition is needed when purchasing from a non-contracted vendor. Therefore, bids should have been obtained.

- B. Application for a Special Designated License from the American Legion Oltman-Messman Post 294, Inc., located in Hallam, Nebraska, to provide liquor beverage service in connection with an event (card playing, pull tabs and a raffle) on Sunday, November 21, 2004 from 1 p.m. to 10:30 p.m. at the Sprague-Martell Community Center Auditorium which is located at 17490 Southwest 14<sup>th</sup> Street in Lancaster County, Nebraska.
- C. Backup Tapes for County Word Processing Server (Exhibit A)

**MOTION:** Heier moved and Workman seconded approval of the additions to the agenda. Heier, Workman and Stevens voted aye. Hudkins was absent from voting. Motion carried.

Hudkins arrived at 8:29 a.m.

### **3 COMMISSIONER MEETING REPORTS**

- A. Board of Health - Hudkins

Hudkins reported on the Lincoln-Lancaster County Health Department expansion project, noting 1.0 acres of Woods Park was to be used for the parking lot. He said 1.1 acres is now required and said Lincoln Parks & Recreation has been asked to donate the additional land or there will be a deletion of ten parking spaces.

- B. Juvenile Detention Center Advisory Committee - Heier

Heier said it may be necessary to open another housing pod, due to the length of time that it is taking to complete Office of Juvenile Services (OJS) evaluations under the Magellan contract.

- C. Stevens Creek Advisory Committee - Workman

Workman reported on a tour of the Stevens Creek area.

- D. Visitors Promotion Advisory Committee (VPAC) - Schorr

No meeting.

- E. Lincoln Independent Business Association (LIBA) Monthly Meeting - Workman, Schorr

Workman said concerns were raised regarding inefficiencies in the Building and Safety Department.

F. Downtown Lincoln Association (DLA) - Stevens

Stevens said there were presentations on Antelope Valley and a parking study of downtown Lincoln.

G. Community Mental Health Center Advisory Committee - Stevens

No report.

**4 LANCASTER COUNTY BOARD OF CORRECTIONS MEETING** - Mike Thurber Corrections Director

Separate minutes.

**5 UNCOLLECTIBLE PERSONAL PROPERTY TAXES** - Doug Cyr, Chief Administrative Deputy County Attorney; Terry Adams, Deputy County Treasurer; Bill Jarrett, Chief Deputy Sheriff; Captain George Lahners, County Sheriff's Office

Doug Cyr, Chief Administrative Deputy County Attorney, and Captain George Lahners, County Sheriff's Office, gave an overview of the distress warrant process. **NOTE:** Distress warrants are issued by the County Treasurer for delinquent personal property tax. The Sheriff of the county in which the property is located is directed to levy on the personal property of the taxpayer who owned the property at the time that the taxes were levied and the property was assessed. The Sheriff can return a distress warrant after two years for the following reasons: 1) Taxes are collected; 2) Upon diligent search, there was no property located upon which to levy; and 3) Taxpayer has filed a poverty affidavit. Uncollectible personal property taxes are deleted from the system after two years, but can be placed back on if assets are discovered.

**MOTION:** Workman moved and Hudkins seconded to direct the County Sheriff and County Treasurer's Office to post the names of individuals and companies with uncollectible personal property taxes and the amounts on their websites. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**6 COUNTY SPECIAL PERMIT NO. 04039 AND COUNTY PRELIMINARY PLAT NO. 04018, HIGH PRAIRIE ESTATES, HIGHWAY 77/HOMESTEAD EXPRESSWAY AND HICKMAN ROAD** - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of County Special Permit No. 04039 and County Preliminary Plat No. 04018, High Prairie Estates, a request for five residential acreage lots and associated waiver requests on property located northeast of the intersection of Highway 77/Homestead Expressway and Hickman Road (Exhibit B). He noted that the area of application and the property to northwest, which is owned by Charles F. and Betty L. Craft, are under conservation easements with the Lower Platte South Natural Resources District (NRD) for preservation of the native prairie. He said the NRD had approved three, five acre parcels within the conservation easement. The NRD has agreed to amend the easement to allow five, three acre lots under the "cluster" concept, conditional upon the approval of the County Board. There is a recommendation of conditional approval from Planning Staff and the Planning Commission.

Kile W. Johnson, an attorney representing Betty L. Craft, appeared and said Mrs. Craft opposes the application. He said Mrs. Craft is concerned with the NRD's willingness to relax the conservation easement and increased density on the prairie. Johnson also presented a map that was purported to show the conservation easements and the three building sites that are currently allowed (Exhibit C).

In response to a question from Heier, DeKalb said the applicant could have developed six, twenty acre parcels by right under the zoning. The conservation easement agreement restricted the owner to less than the zoning would have allowed.

The Board requested information regarding whether the property will have access to Highway 77 and the status of the State's rest stop on the corner of Highway 77 and Hickman Road. The Board also asked that a copy of the conservation easement be provided to the County Attorney's Office and that a representative of the NRD be present at the public hearing on November 2, 2004 to answer questions.

Also present were: Betty Craft, 18400 South 12<sup>th</sup> Street, Roca, Nebraska; John Guenzel, 12605 South 12<sup>th</sup> Street, Roca, Nebraska; and Andy Malone, 3301 Sewell Street, Lincoln, Nebraska.

**7 A) STAFF RETIREMENT; AND B) FUGITIVE TASK FORCE - Bill Jarrett, Chief Deputy Sheriff**

**A) Staff Retirement**

Bill Jarrett, Chief Deputy Sheriff, said Dawna Corbin, Administrative Aide, is retiring and requested authorization to hire a replacement, providing at least two weeks of training.

**MOTION:** Hudkins moved and Workman seconded approval of the request. Workman, Heier, Hudkins and Stevens voted aye. Motion carried.

## B) Fugitive Task Force

Jarrett said the County Sheriff's Office has a memorandum of understanding with the United States Marshals Service for the Fugitive Task Force. The United States Marshals Service has provided a vehicle for its use and has asked the County Sheriff's Office to provide the fuel.

Kristy Mundt, Deputy County Attorney, said she is working on language to clarify that the County will not be responsible for the vehicle's maintenance.

**MOTION:** Heier moved and Hudkins seconded approval of the concept, as outlined. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

### 8 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney

**MOTION:** Hudkins moved and Workman seconded to enter Executive Session at 10:02 a.m. for discussion of pending litigation. Hudkins, Workman, Stevens and Heier voted aye. Motion carried.

**MOTION:** Workman moved and Heier seconded to exit Executive Session at 10:34 a.m. Workman, Stevens, Heier and Hudkins voted aye. Motion carried.

### 9 LEASE OF COURTHOUSE PLAZA SPACE - Don Killeen, County Property Manager

Don Killeen, County Property Manager, said he and Steve Rowoldt, Chief Probation Officer in Adult Probation, have looked at space in the Courthouse Plaza, 645 South 9<sup>th</sup> Street, as a possible site for relocation of Adult Probation's offices. **NOTE:** The Master Plan provides for eventual relocation of Adult Probation to the 233 Building (former Lincoln Police Department Building).

Mike Thurber, Corrections Director, appeared and discussed options for using the space currently utilized by Adult Probation in the Lancaster County Intake and Detention Facility.

Killeen recommended that the County only lease the space in the Courthouse Plaza if the lease rate is set at the same rate that Adult Probation is currently paying the Public Building Commission. He also presented an estimate of the cost to finish the third floor of the County-City Building with options for: 1) Entire third floor; 2) South tenant space and center corridor; and 3) North tenant space and center corridor (Exhibit D).

**MOTION:** Heier moved and Workman seconded to ask the Public Building Commission to follow through with definite plans to finish the third floor of the County-City Building.

Heier recommended that funding be through bonding.

**ROLL CALL:** Heier, Hudkins, Workman and Stevens voted aye. Motion carried.

- 10 A) INTRODUCTION OF CHRISTINE SALVATORE, DRUG COURT COORDINATOR; B) CONTRACT WITH SANDY FINDLEY FOR SUBSTANCE ABUSE EDUCATION AND INTERVENTION; C) FURNITURE FOR NEW EMPLOYEES; D) DRUG COURT DATA BASE; E) DRUG COURT POSITIONS (CLERK & SUPERVISION OFFICERS)**  
- Kim Etherton, Community Corrections Director

**A) Introduction of Christine Salvatore, Drug Court Coordinator**

Kim Etherton, Community Corrections Director, introduced Christine Salvatore, Drug Court Coordinator.

**B) Contract with Sandy Findley for Substance Abuse Education and Intervention**

Etherton said Ms. Findley does not have the general liability coverage that is required by the County (Exhibit E).

Hudkins suggested that asked Etherton check on the cost for Findley to secure the coverage under an umbrella policy.

**C) Furniture for New Employees**

Etherton presented a quote from All Makes Office Equipment Company for furniture for three new offices (see Exhibit E).

The Board authorized Etherton to proceed with a purchase order and asked her to check whether the jail crew can provide the labor.

**D) Drug Court Database**

Etherton said the Drug Court database is not very usable. She noted plans to look at the federal database system that is utilized by the other Drug Courts in Nebraska to see whether it would meet the County's needs.

## **E) Drug Court Positions (Clerk & Supervision Officers)**

Etherton said Drug Court personnel have asked to remain state employees and retain their seniority and benefits. She said she has discussed the matter with Steve Rowoldt, Chief Probation Officer in Adult Probation, and said he believes State Probation would be willing to continue the contract. Etherton said she would prefer that they be county employees but understands that it is in their best interest to maintain their status as state employees.

The Board did not object to their request.

Kerry Eagan, Chief Administrative Officer, said the County is in the process of drafting a bill to preserve the status of employees in governmental transfers.

### **11 RURAL ADDRESS SIGNS - Don Thomas, County Engineer; Doug Pillard and Arlynn Brunke, County Engineering**

Arlynn Brunke, County Engineering, presented an example of the signage.

Don Thomas, County Engineer, suggested that the County issue a press release regarding the rural address signs.

Gwen Thorpe, Deputy Chief Administrative Officer, agreed to set it up.

## **ADMINISTRATIVE OFFICER REPORT**

### **H. Hearing Date for One and Six Year Road and Bridge Improvement Program (November 9, 2004)**

Thomas recommended retention of the hearing date, as it has already been advertised.

Hudkins and Heier indicated that they will not be available on that date.

**MOTION:** Hudkins moved and Heier seconded to reschedule the hearing date for the One and Six Year Road and Bridge Improvement Program on November 16, 2004 at 7:30 p.m. Hudkins, Heier and Workman voted aye. Stevens voted no. Motion carried.

### **K. 84<sup>th</sup> Street Detour on 98<sup>th</sup> Street**

Thomas presented traffic counts on 98<sup>th</sup> Street (Exhibit F). He said he drove the area on Wednesday and did not observe truck traffic. Thomas said traffic speed did not appear to be a problem, but said the Board could ask for a County Attorney's opinion regarding the ability to change the legal speed limit. He said one option would be to post advisory signs.

Hudkins asked what other steps could be taken to make the road safer.

Thomas said dust control and estimated the cost at \$4,000 per mile. He said he can explore sharing that cost with the City.

Heier noted that the road has been graded and asked Thomas to check what the cost would be to make a daily pass with the road grader.

Thomas pointed out that it will delay other road grader work and create more dust.

Stevens said he has received a call regarding speed and traffic on 54<sup>th</sup> Street, south of Saltillo Road.

Thomas said he will talk to the County Sheriff about speed enforcement.

## **12 ADMINISTRATIVE OFFICER REPORT**

- A. Lincoln-Lancaster Women's Commission Appointments (Connie L. Schmidt and Meredith Decory)

The Board scheduled the appointments on the November 2, 2004 Board of Commissioners Meeting agenda.

- B. Lincoln Area Agency on Aging Advisory Council Appointment (Ruthelen S. Sittler)

The Board scheduled the appointment on the November 2, 2004 Board of Commissioners Meeting agenda.

- C. Claims for Review from Families First & Foremost (F<sup>3</sup>):
  - 1. PV782-6569, dated October 19, 2004, payable to Cedars Youth Services in the amount of \$2,897.50. Payment is for services provided in March, 2004 through June, 2004. Claim is beyond the 90 day time period.

2. PV782-6559, dated October 20, 2004, payable to Stacie Olsen in the amount of \$996.00. Payment is for child care services provided in February, 2004 through June, 2004. Claim is beyond the 90 day time period.
3. PV782-6514, dated October 12, 2004, payment to Elda Ashcroft in the amount of \$224.50. Payment is for transportation and interpreter services provided in January, 2004 through May, 2004. Claim is beyond the 90 day time period.
4. PV782-6542, dated October 14, 2004, payable to Visinet, Inc., in the amount of \$419.87. Payment is for transportation/escort services provided in December, 2003 and February, 2004. Claim is beyond the 90 day time period.
5. PV782-6573, dated October 20, 2004, payable to Visinet, Inc., in the amount of \$120.00. Payment is for transportation/escort services provided in June, 2004. Claim is beyond the 90 day time period.

Eagan said F<sup>3</sup> has recommended payment of the claims.

The Board scheduled the claims on the November 2, 2004 Board of Commissioners Meeting agenda and asked that in the future F<sup>3</sup> provide a written explanation of any claims submitted beyond the 90 day time period.

#### D. Vacation and Sale of Property at Northwest 27<sup>th</sup> Street and Highway 34

It was noted that Jim Burden, 7000 Northwest 27<sup>th</sup> Street, has expressed interest in purchasing the County and State right-of-way.

Larry Worrell, County Surveyor, appeared and recommended that the Board consider whether the adjacent property owner might have an interest in the property.

Board consensus was to continue to negotiate the sale of the property.

#### E. Jamaica North Request for Proposals (RFP) Review Committee

The Board appointed the following individuals to the committee: Kerry Eagan, Chief Administrative Officer; Terry Genrich, Parks & Recreation Natural Resources Manager; Vince Mejer, Purchasing Agent; and Doug Pillard, County Engineering Design Division Head.

#### F. Visitors Promotion Advisory Committee (VPAC) Bylaws Amendment

The Board scheduled the item on the November 2, 2004 Board of Commissioners Meeting agenda.

G. Return of Community Development Block Grant (CDBG) Funds for Archer Daniel Midlands (ADM) Project

Dave Kroeker, Budget and Fiscal Officer, appeared and said the County can deduct for direct costs and estimated that amount at \$1,729.

H. Hearing Date for One and Six Year Road and Bridge Improvement Program (November 9, 2004)

Item moved forward on the agenda.

I. Early Bond Payments

Kroeker presented information on the possible call of various bonds (Exhibit G):

- Series 1999 Bonds for Juvenile Detention Facility
- Series 1995B for Motor Vehicle Facility
- Series 1995 County Engineer Facility

The Board directed Lauren Wismer, Bond Counsel, to draft a resolution for action at the November 9, 2004 Board of Commissioners Meeting.

Kroeker said the bonds for Lancaster Manor will be callable at par in July, 2005.

J. PayFlex Flexible Spending Account Contract

The Board received a memorandum from Bill Kostner, City Risk Manager, recommending that the County stay with PayFlex and review the matter again next year before the open enrollment period (Exhibit H).

The Board concurred with the recommendation.

K. 84<sup>th</sup> Street Detour on 98<sup>th</sup> Street

Item moved forward on the agenda.

L. Invitation to Major General Roger P. Lempke, Adjutant General Nebraska Military Department, to Attend County Board Meeting

The Board scheduled a special presentation to Major General Roger P. Lempke, Adjutant General Nebraska Military Department, and to the Nebraska National Guard on the November 30, 2004 County Board of Commissioners Meeting agenda.

### **ADDITIONS TO THE AGENDA**

- A. Claim for Review from Human Services:
- PV 837-1315, dated October 5, 2004, payable to A to Z Printing in the amount of \$7,880. The payment voucher exceeds the \$1,000 purchasing guidelines which stipulates that a requisition is needed when purchasing from a non-contracted vendor. Therefore, bids should have been obtained.

Eagan said the Purchasing Department will not issue a purchase order after the fact and suggested that the Board give notice of intent to invite informal quotes.

- B. Application for a Special Designated License from the American Legion Oltman-Messman Post 294, Inc., located in Hallam, Nebraska, to provide liquor beverage service in connection with an event (card playing, pull tabs and a raffle) on Sunday, November 21, 2004 from 1 p.m. to 10:30 p.m. at the Sprague-Martell Community Center Auditorium which is located at 17490 Southwest 14<sup>th</sup> Street in Lancaster County, Nebraska.

Mundt said an Amusement License will also required. An Amusement License will not be necessary if the event is moved to an incorporated area or if food is not served.

Hudkins said Clatonia and Cortland may be options.

Trish Owen, Chief Deputy County Clerk, requested authorization to publish a notice of the public hearing date prior to the Board taking formal action at the November 2, 2004 Board of Commissioners Meeting to set the public hearing date, in order to meet the two week public notice requirement.

The Board authorized the County Clerk's Office to publish the notice.

- C. Backup Tapes for County Word Processing Server (Exhibit A)

The Board reviewed a request from Information Services for authorization to purchase 17 additional backup tapes (cost per tape is \$45.15).

**MOTION:** Hudkins moved and Heier seconded approval. Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**13 ADJOURNMENT**

**MOTION:** Workman moved and Hudkins seconded to adjourn the meeting at 12:23 p.m. Workman, Heier, Hudkins and Stevens voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk